

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 04-12492

PAUL PIZZUTO

Plaintiff,

vs.

AIRBORNE EXPRESS, INC., STEVEN
CROSSKEN, JOSEPH HAMILTON,
GREG SWEATT, AND ARTHUR
LEVERIS,

Defendants.

**JOINT MOTION REGARDING
DATE OF RESPONSE TO COMPLAINT**

Pursuant to Rules 4(d)(3) and 12 of the Federal Rules of Civil Procedure, the parties to the above-captioned action, Plaintiff Paul Pizzuto ("Plaintiff") and Defendants Airborne Express, Steven Crossken, Joseph Hamilton, Arthur Leveris, and Greg Sweatt ("Defendants"), hereby request that this court establish February 28, 2005 as the date by which the defendants must file and serve their response to the Complaint.

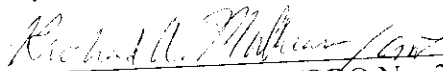
As grounds for this motion, the parties state that they have been cooperating with regard to waiver of service of the Summons and Complaint, and have just this week resolved all issues regarding such service for all defendants. With the issue of service now resolved, the five Defendants turn to coordinating and responding to the Complaint on its merits. The manner in which the service issues were resolved, however, leaves some ambiguity as to when the Defendants are required to file and serve their responses to the Complaint. An Order of this Court establishing a deadline of February 28, 2005

will clear up this ambiguity and permit the Defendants adequate time for their response to the Complaint. No party will be prejudiced by the granting of this joint motion.

For the reason stated above, the parties respectfully request that this Court grant this Joint Motion and establish February 28, 2005 as the date for the Defendants' response to the Complaint.

PAUL PIZZUTO,

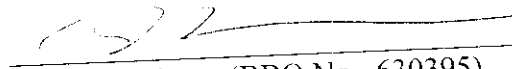
By his attorneys,


Richard A. Mulhearn (BBO No. 359680)
Law Office of Richard A. Mulhearn
41 Elm Street
Worcester, Massachusetts 01609
(508) 753-9999

- and -

AIRBORNE EXPRESS, INC., STEVEN
CROSSKEN, JOSEPH HAMILTON, GREG
SWEATT, AND ARTHUR LEVERIS,

By their attorneys,


C. Max Perlman (BBO No. 630395)
Jennifer Catlin Tucker (BBO No. 547944)
Sullivan, Weinstein & McQuay, P.C.
Two Park Plaza
Boston, MA 02116-3902
(617) 348-4300

Dated: January 27, 2004

So ordered:

Hon. George A. O'Toole, Jr.
United States District Court
District of Massachusetts
Date: